

USDOL/OALJ Reporter

Mayrose v. Burns International Security Services, Inc., 93-ERA-37 (Sec'y Nov. 16, 1993)

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DATE: November 16, 1993
CASE NO. 93-ERA-0037

IN THE MATTER OF

SCOTT T. MAYROSE,

COMPLAINANT,

v.

BURNS INTERNATIONAL SECURITY SERVICES, INC.,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

FINAL ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT

This case arises under the employee protection provision of the Energy Reorganization Act (ERA), as amended, 42 U.S.C. § 5851 (1988). The parties submitted a Settlement Agreement and Release (agreement) and asked the Administrative Law Judge (ALJ) to approve the agreement and dismiss the complaint. The ALJ recommends approval and dismissal.

The agreement appears to encompass the settlement of matters arising under various laws, only one of which is the ERA. For the reasons set forth in *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec. Ord., Nov. 2, 1987, slip op. at 2, I have limited my review of the agreement to determining whether its terms are a fair, adequate and reasonable settlement of Complainant's allegation that Respondent violated the ERA.

Paragraph 9 provides that the laws of Florida shall govern the agreement. This provision is interpreted as not limiting the authority of the Secretary or the United States District Court under the applicable statutes and regulations. *McGlynn v. Pulsair, Inc.*, Case No. 93-CAA-00002, Sec. Fin. Ord. Approving

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Settlement, June 28, 1993, slip op. at 3.

I find that the agreement, as here construed, is a fair, adequate, and reasonable settlement of the complaint.

Accordingly, I approve the agreement and DISMISS the complaint
with prejudice.

SO ORDERED

ROBERT B. REICH
Secretary of Labor

Washington, D.C.